SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments or any requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;
(b) They are in the interests of the plans and their participants and beneficiaries; and
(c) They are protective of the rights of the participants and beneficiaries of the plans.

San Diego National Bank Deferred Savings Plan (the Plan) Located in San Diego, California

[Prohibited Transaction Exemption 96-50; Exemption Application No. D-10039]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the sale (the Sale) of improved real property (the Property) by the Plan to Richard H. Puckett, a party in interest with respect to the Plan provided that:

(a) The Sale is a one time transaction for cash; (b) the Plan will receive the greater of $315,000 or the fair market value of the Property at the time of the Sale; (c) the Property has been appraised by an independent and qualified real estate appraiser; (d) the Plan will pay no fees or commissions associated with the Sale; and (e) the terms and conditions of the Sale are at least as favorable as those obtainable with an unrelated third party.

For a more complete statement of the facts and representations supporting the Department’s decision to grant this exemption, refer to the notice of proposed exemption published on April 4, 1996 at 61 FR 15143.

FOR FURTHER INFORMATION CONTACT: Allison Padams of the Department, telephone (202) 219–8971. (This is not a toll-free number.)
First Virginia Banks, Inc. Located in Falls Church, Virginia

[Prohibited Transaction Exemption 96–52; Application Nos. D–10175 thru D–10177]

Exemption
Section I—Transactions

The restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the following transactions provided that all of the conditions set forth in Section II below are met:

(a) The cash sale on December 23, 1994 of certain variable rate certificates of deposit (CDs) issued by Merrill Lynch National Bank, Salt Lake City, Utah (the Merrill Lynch CDs) by forty (40) employee benefit plans, Keogh plans and individual retirement accounts (IRAs), for which First Knoxville Bank in Knoxville, Tennessee (the Bank) serves as a fiduciary, to First Virginia Banks, Inc. (First Virginia), a party in interest or disqualified person with respect to such plans and IRAs;

(b) The cash sale on various dates during 1995 of certain fixed rate CDs issued by various unrelated financial institutions (the Fixed Rate CDs) by eighteen (18) employee benefit plans, Keogh plans and IRAs, for which the Bank serves as a fiduciary, to First Virginia, a party in interest or disqualified person with respect to such plans and IRAs; and

(c) The proposed cash sale of certain additional fixed rate CDs issued by various unrelated financial institutions (the Additional Fixed Rate CDs) by approximately twenty-one (21) employee benefit plans, Keogh plans and IRAs, for which the Bank serves as a fiduciary, to First Virginia, a party in interest or disqualified person with respect to such plans and IRAs.

Section II—Conditions

(a) Each sale is a one-time transaction for cash; 

(b) Each plan or IRA (hereafter referred to as “Plan”) receives an amount which is equal to the face amount of the CDs owned by the Plan, plus accrued but unpaid interest, at the time of sale, or (ii) the fair market value of the CDs owned by the Plan as determined by an independent, qualified appraiser at the time of the sale;

(c) The Plans do not pay any commissions or other expenses with respect to the sale of such CDs;

(d) The Bank, as trustee of the Plans, determines that the sale of the CDs is in the best interests of each Plan and its participants and beneficiaries at the time of the transaction;

(e) The Bank takes all appropriate actions necessary to safeguard the interests of the Plans and their participants and beneficiaries in connection with the transactions;

(f) Each Plan receives a reasonable rate of interest on the CDs during the period of time such CDs are held by the Plan; 

(g) The Bank or an affiliate maintains for a period of six years the records necessary to enable the persons described below in paragraph (h) to determine whether the conditions of this exemption have been met, except that (1) a prohibited transaction will not be considered to have occurred if, due to circumstances beyond the control of the Bank or affiliate, the records are lost or destroyed prior to the end of the six-year period, and (2) no party in interest other than the Bank or affiliate shall be subject to the civil penalty that may be assessed under section 502(i) of the Act or to the taxes imposed by section 4975 (a) and (b) of the Code if the records are not maintained or are not available for examination as required by paragraph (h) below; and

(h) Except as provided below in paragraph (h)(2) and notwithstanding any provisions of section 504(a)(2) of the Act, the records referred to in paragraph (g) are unconditionally available at their customary location for examination during normal business hours by—

(i) Any duly authorized employee or representative of the Department or the Internal Revenue Service,

(ii) Any fiduciary of the Client Plans who has authority to acquire or dispose of shares of the Funds owned by the Client Plans, or any duly authorized employee or representative of such fiduciary, and

(iii) Any participant or beneficiary of the Client Plans or duly authorized employee or representative of such participant or beneficiary;

(2) None of the persons described in paragraph (h)(1) and (i) shall be authorized to examine trade secrets of the Bank, or commercial or financial information which is privileged or confidential.

Effective Date: This exemption is effective as of December 23, 1994, for the transactions described in Section I(a) above, and the various appropriate sale dates in 1995 for the transactions described above in Section I(b).

For a more complete statement of the facts and representations supporting the Department’s decision to grant this exemption, refer to the notice of proposed exemption published on April 25, 1996, at 61 FR 18430.

For further information contact: Mr. E.F. Williams of the Department, telephone (202) 219–8194. (This is not a toll-free number.)

AmSouth Bancorporation Thrift Plan
(Plan) Located in Birmingham, Alabama

[Prohibited Transaction Exemption 96–53; Exemption Application No. D–10185]

Exemption

The restrictions of sections 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale (the Sale) of Guaranteed Investment Contract No. 62531 and Guaranteed Investment Contract No. 62651 (collectively, GICs), both issued by AmSouth Bancorporation, a Delaware corporation, to AmSouth Bancorporation Thrift Plan (the Plan) Located in Birmingham, Alabama.

The facts and representations supporting the Department’s decision to grant this exemption, refer to the notice of proposed exemption published in May 6, 1996, at 61 FR 20283.

Comments: The Department received two written comments, both of which were in favor of granting the proposed exemption. Accordingly, after giving full consideration to the entire record, the Department has determined to grant the exemption.

For further information contact: Mr. C.E. Beaver of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or
LEGAL SERVICES CORPORATION

Sunshine Act Meeting; Meeting of the Corporation's Board of Directors

TIME AND DATES: The Legal Services Corporation Board of Directors will meet on July 20, 1996. The meeting will begin at 9:00 a.m. and continue until conclusion of the Board's agenda.

LOCATION: Legal Services Corporation, 750 First Street NE., 11th Floor, Washington, DC 20002, (202) 336-8800.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a unanimous vote of the Board of Directors to hold an executive session. At the closed session, the Board may be briefed by management on internal operational and personnel matters and by the Corporation's Inspector General on activities of the Office of Inspector General. In addition, the General Counsel will report to the Board on litigation to which the Corporation is or may become a party and the Board may act on the matters reported. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. section 552(b)(10)] and the corresponding regulation of the Legal Services Corporation [45 CFR section 1622.5(h)].

A copy of the General Counsel's Certification, that the closing is authorized by law, will be posted for public inspection at the Corporation's headquarters, located at 750 First Street NE., Washington, DC 20002, in its 11th floor reception area, and will also be available upon request.

MATTERS TO BE CONSIDERED:

Open Session
1. Approval of Agenda.
2. Approval of Minutes of May 20, 1996, meeting.
3. Approval of Minutes of May 20, 1996, executive session.
4. Chairman's and Members' Reports.
5. President's Report.
   a. Internal personnel policies of the Corporation.
   b. Implementation of Pub. L. 104–134 (H.R. 3019) by the adoption of interim regulations on:
      (1) priorities in the allocation of resources.
      (2) disclosure of plaintiff identity and statement of facts.
      (3) class actions.
      (4) solicitation of clients by grantees.
      (5) use of funds from sources other than the Corporation.
      (6) redistricting activities.
      (7) legal assistance to aliens.
      (8) representation in certain eviction proceedings.
      (9) subgrants, fees and dues.
      (10) applying federal waste, fraud and abuse laws to LSC funds.
      (11) grantees' participation in litigation on behalf of prisoners.
      (12) grantees' involvement in challenges to welfare reform.
      (13) lobbying and certain other activities by grantees.
      (14) fee-generating cases.
      (15) grantees' collection of attorneys’ fees.
5. Consider and act on the report of the Board's Finance Committee, including the adoption of an FY '98 budget mark.

Closed Session
9. Consider and act on the General Counsel's report on potential and pending litigation involving the Corporation.

1. Briefings do not constitute "meetings," as defined by the Government in the Sunshine Act. Notice of briefings is here provided as a courtesy to the public.


11. Management's briefing of the Board on internal operations and personnel matters.

Open Session
12. Schedule board and committee meetings through October 1996.
13. Public comment.
14. Consider and act on other business.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, General Counsel, (202) 336-8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting should contact Barbara Asante, at (202) 336-8800.

Victor M. Fortuno,
General Counsel.

Dated: July 10, 1996.

[FR Doc. 96–17953 Filed 7–10–96; 3:21 am]
BILLING CODE 4510–29–P

Sunshine Act Meeting; Meeting of the Board of Directors' Operations and Regulations Committee

TIME AND DATE: The Operations and Regulations Committee of the Legal Services Corporation's Board of Directors will meet on July 19, 1996, at 8:00 a.m.

LOCATION: Legal Services Corporation, 750 First Street NE., 11th Floor, Washington, DC 20002, (202) 336-8800.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Report on Phase II of staff and OPM recommendations relating to internal personnel policies of the Corporation.
3. Consider and act on implementation of Pub. L. 104–134 (H.R. 3019) by the adoption of interim regulations on:
   a. priorities in the allocation of resources.
   b. disclosure of plaintiff identity and statement of facts.
   c. class actions.
   d. solicitation of clients by grantees.
   e. use of funds from sources other than the Corporation.
   f. redistricting activities.
   g. legal assistance to aliens.
   h. representation in certain eviction proceedings.
   i. subgrants, fees and dues.
   j. applying federal waste, fraud and abuse laws to LSC funds.
   k. grantees' participation in litigation on behalf of prisoners.
   l. grantees' involvement in challenges to welfare reform.
   m. lobbying and certain other activities by grantees.

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